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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,556	11/29/2001	Michael A. Kopmanis	10541-542	5146

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VISTEON 29074  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER

NGUYEN, DUNG V

ART UNIT PAPER NUMBER

3723

13

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,556

Applicant(s)

KOPMANIS, MICHAEL A.

Examiner

Dung V Nguyen

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10,12-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 12-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwabuchi (USPN 6,454,636). Iwabuchi inherently discloses a grinding system comprising a grinding tool 8 having a grinding surface adapted to grind a part 7, a spindle 6 connected to the grinding tool 8, a first motor coupled to the spindle 6 and adapted to rotate the spindle 6 and the grinding tool 8, such that the grinding surface spins at a predetermined velocity, a nozzle 37 adapted to supply a coolant material, an arm 21 coupled to the nozzle 37 and to the grinding tool and adapted to allow placement of the nozzle in multiple positions, each of the positions being substantially tangent to the grinding surface of the grinding tool 8, a second motor 65 connected to the arm 21 and adapted to move the nozzle 37 through each of the positions, a controller 69 coupled to the second motor and adapted to control the movement of the nozzle 37 to supply the coolant material based upon a location of the part 7 relative the grinding tool 8, a bearing collar 31 coupled around the spindle 6 of the grinding tool 8 and to the arm 21, a belt 68 coupled to the arm 21 and to a second motor 65 and adapted to translate rotation of the motor 65 into movement of the arm 21, wherein the nozzle 37 is adapted to supply the coolant material at substantially the

same velocity as the grinding surface of the grinding tool 8, wherein the arm 21 is coupled to the spindle 6 of the grinding tool 8, wherein the nozzle 37 pivots and the grinding tool rotates about the same axis CL, wherein the arm 21 is adapted to allow placement of the nozzle 7 along an arcuate path, wherein the controller 69 is a computer numeric control (CNC) device, wherein the CNC device is adapted to control a location of the part 7. Iwabuchi also discloses a method of supplying coolant material for a grinding tool having a spindle 6 and a grinding surface comprising spinning the grinding surface at a predetermined velocity, providing a nozzle 37 adapted to supply a coolant material, moving the nozzle 37 through multiple positions, each of the positions being substantially tangent to the grinding surface of the grinding tool 8, wherein moving includes moving the nozzle 37 along an arcuate path (note Fig. 1-6, col. 6, line 11 to col. 16, line 60). Iwabuchi does not disclose expressly the nozzle being shaped and sized to spray the coolant at substantially the same predetermined velocity. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to select a particular shaped and sized nozzle to spray the coolant at substantially the same velocity because Applicant has not disclosed that provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicants invention to perform equally well with other shaped and sized nozzles. Therefore, it would have been an obvious matter of design choice to modify to obtain the invention as specified in claims 1, 10 and 19.

### ***Response to Arguments***

3. Applicant's arguments filed on 19 December 2003 have been fully considered but they are not persuasive. Applicant argues that Iwabuchi says nothing about a nozzle that sprays a "coolant material at substantially the same predetermined velocity," as required by amended claims 1, 10 and 19. Claims 1, 10 and 19 recite "a nozzle adapted to supply a coolant material at substantially the same predetermined velocity", the recitation "adapted to supply ..." merely language of intended use, not a claim limitation, whether a structure limitation in an apparatus claims or a step in a method claims. Moreover, MPEP 2114 states as follows "A claim contains a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus" if the prior art apparatus teaches all the structure limitations of the claim. Therefore, claims 1, 10 and 19 do not patently distinct from apparatus of Iwabuchi reference.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung V Nguyen whose telephone number is 703-305-0036. The examiner can normally be reached on M-F, 6:30-3:00.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DVN  
February 20, 2004

  
**DUNG VAN NGUYEN**  
**PRIMARY EXAMINER**